

Responsibility

Objectives

Student will identify responsible and irresponsible choices relating to fire.

Skills

- Student will demonstrate knowledge of fireworks safety and Oregon fireworks statutes.
- Student will demonstrate knowledge of the legal, financial, emotional and social consequences of misusing fire.

Introduction

Too many of Oregon's children die each year in fires. Property losses from fire range in the millions of dollars. Some of these fires are a result of carelessness or equipment malfunctions, but far too many of them are set by children and teenagers. Youth-set fires are preventable.

Youths set fires for a variety of reasons. Many are acting out of curiosity and are experimenting with the use of matches and lighters. Others are setting fires as a way to deal with a crisis, as a cry for help, or they may be responding to peer pressure.

Vocabulary

Consequences - results stemming from an action; the result may be positive or negative

Emotional - having to do with feelings

Felony - a crime more serious than a misdemeanor that may be punishable by incarceration

Financial - having to do with money

Incarceration - the act or process of confining someone

Irresponsible - doing the wrong thing even though you know better

Juvenile justice - a legal intervention focused on youths under the age of 18 that emphasizes rehabilitation rather than punishment

Legal - according to the law

Measure 11 - established mandatory minimum sentences for sixteen felony crimes, including arson. Youths 15 or older charged with a Measure 11 crime can be prosecuted as an adult

Misdemeanor - a minor crime, less than a felony, that is usually punished with a fine or confinement in something other than a prison

Oregon State Statutes - the laws of Oregon

Probation - the release into the community of a defendant who has been found guilty of a crime, typically under certain conditions, such as paying a fine, doing community service or attending a drug treatment program. Violation of the conditions can result in incarceration.

Responsible - doing the right thing even when no one is looking

Social - having to do with community

Victim - one who is harmed by something or someone



MAKING RESPONSIBLE CHOICES

Materials provided:

- *Legal Fireworks Retail* handout
- *Oregon Revised Statutes* re: explosive devices are provided at the very back of this unit if questions arise from the class that require more explanation

Teacher preparation:

- Familiarize yourself with the fireworks that are legal and illegal in Oregon and the Oregon statutes relating to fireworks.
- Review the scenarios.

A decision-making model:

- Define the problem
- Brainstorm solutions
- Narrow your choices
- Make a plan
- Evaluate how well the plan worked

a role play activity

Teacher-led discussion

All of the provided scenarios are situations involving fireworks. Teacher should explain to students the difference in Oregon between legal and illegal fireworks, discuss the Oregon Revised Statutes that pertain to destructive devices, and explain modifying fireworks. (see *Teacher Notes*)

What would you do? activity

Work through the example with the class:

- introduce the situation
- identify several possible courses of action
- outline the pros and cons of the choices.
- Then, using one of the four scenarios, have the students role-play solutions to the problem. Each scenario demonstrates an irresponsible behavior. Students should role-play a responsible behavior in the situation.

Example:

A) Problem

You are just hanging out with your friends at home. You notice that the five-year-old next door is lighting fireworks and there is no adult present.

B) Some possible solutions

- 1) You watch the child to see what happens.
- 2) You go over to the child and tell him that he is too young to be using matches and lighting fireworks by himself.

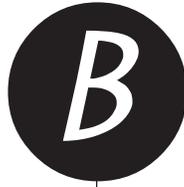
(go to page 3)

MAKING RESPONSIBLE CHOICES (continued)

- 3) You go over to the child, tell him that he is too young to be using matches and lighting fireworks by himself, and take the matches and fireworks away from him.
 - 4) You go over to the child, tell him that he is too young to be using matches and lighting fireworks by himself, take the matches and fireworks away from him and go and talk to his mother.
 - 5) You go and talk to the child's mother, telling her what you have observed and that you are very concerned about her child's safety.
- C) Lead the class in a discussion of pros and cons for each solution.

Scenarios

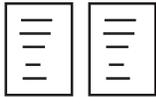
- 1) Another youth is using illegal fireworks.
- 2) Another youth is standing over fireworks and lighting them.
- 3) A youth is lighting fireworks in a dry field next to a subdivision.
- 4) A youth is modifying fireworks.



FIRE'S EFFECT ON THE COMMUNITY

Materials provided:

- 3 scripted fire scenarios (see *Teacher Notes*)
- Activity cards (in white box)
- Examples of safe and unsafe campfires



Teacher preparation:

- Familiarize yourself with the scenarios and the activity cards.
- For the campfire scenario, prepare the activity sheets (see *Teacher Notes - these differ from Activity Cards*).

Mind-mapping activity protocol

Activity cards are fastened to the board as the class moves through the scenario. Use a removable adhesive or a “loop” of masking tape to accomplish this.

Each scenario’s activity begins with the **DECISION** card, placed at the center. As the activity proceeds, other cards will be added around the **DECISION** card.

Activity cards are indicated in the *Teacher Notes* in all-caps and bold face.

an interactive activity

Mind mapping activity

Mind mapping is the technique of arranging ideas and their interconnections visually. In this lesson, the technique is used to illustrate how the choice to misuse fire can affect others.

Three different fire scenarios are provided. Select the one most appropriate for your class—school fire scenario, home arson fire scenario, campfire scenario. (see *Teacher Notes*.)

Each scenario begins with someone making a decision to misuse fire.

- Read the narrative which sets the scene up to the “decision” point (see *Teacher Notes* for scripted scenarios).
- Identify the initiating decision and the person making it.
- Select the activity card labeled **DECISION** and place it on the board.
- Ask the students to start thinking about who would be affected in this situation.
- Work through the narrative and raise questions about the scenario.
- Elicit answers from the students and place the appropriate activity card on the board.

At the end of the activity, students will have a graphic example of the extent of community involvement when someone makes the decision to misuse fire.



LEGAL CONSEQUENCES OF MISUSING FIRE

Materials provided:

- Nine card sets. Each set outlines a situation in which a youth is misusing fire, the statute that applies, and the legal consequences of breaking the law (in white box)
- *Oregon Statutes* related to fire offenses

Teacher preparation:

- Nine copies of Oregon Statutes relating to fire offenses.
- Envelopes for each card set: one large and three smaller.
 - Place the situation card from card set "A" in a small envelope marked "accused."
 - Place the law card from card set "A" in a small envelope marked "police officer."
 - Place the consequences card from card set "A" in a small envelope marked "judge."
 - Place the smaller envelopes inside the large one.
 - Place a copy of Oregon Statutes relating to fire offenses inside the packet.
 - Prepare the packets for each of the other eight card sets in the same way.

a role-play activity

This activity looks at the legal consequences of choosing to misuse fire. Introduce the background information on how the Oregon legal system works (see *Teacher Notes*).

Investigation role-play activity

- Divide the class into groups of three.
- Each group is given one of the (nine) prepared packets containing a fire scenario and list of Oregon Statutes.
- Each student in the group draws one of the smaller envelopes from the packet. They are not to open the envelopes.
- Explain that inside each envelope is a situation where someone has broken the law. The person with the "accused" envelope is to pull out the card and read the situation to the group. The group will then use the law sheets to decide which law was broken. When they have selected the law, they are to write the name of it on a piece of paper. When all the groups have a law written down, you may proceed.
- Have the people with the "police officer" envelope pull out the card and read the law to their group.
- Finally, have the people with the "judge" envelope read the consequences for breaking this law to the group.

(go to page 6)

LEGAL CONSEQUENCES OF MISUSING FIRE (continued)

Concluding activity

The groups each learned about one law. Now, as a class, they will learn about some of the other laws. As a class, discuss the scenarios that were covered (see *Teacher Notes* for suggested discussion questions):

- Misuse of 911
- Reckless Burning
- Arson in the first degree
- Manslaughter

Questions to generate discussion are included in the *Teacher Notes*.

Teacher-led concluding discussion

Some questions to raise for the students to consider:

- Do you think this activity has changed your mind about fire?
- How could being charged with one of these laws change your life?
- Why are the consequences different for juveniles versus adults?
- We all need to make good decisions and think about consequences before we act.



IS THERE A NEED FOR FIREWORKS INTERVENTION?

Yes! In Oregon, there were 202 fireworks-caused fires in 1998. The estimated dollar loss associated with these fires was \$304,271. Fifty-four of the fire reports indicated that a juvenile was involved in ignition. Reports to emergency departments and immediate care clinics for the period from June 23, 1998 to July 20, 1998 show that forty juveniles, ages 0-17, were involved in injury-causing fireworks incidents.

Oregon's definition of legal fireworks

Any fireworks that produce only smoke, sparks or fire and that do not explode, eject balls of fire, fly into the air, or travel more than twelve feet on smooth ground.

Oregon's definition of illegal fireworks

Any fireworks that explode, fly into the air, or behave in an uncontrolled and unpredictable manner.

When is a firework considered altered?

Fireworks are considered altered when the original firework is changed, such as taping several together or combining the powder from several into one. Once a firework is altered to become a destructive device, the case is referred to Oregon Statutes for destructive devices (ORS 161.015 (9) to ORS 161.635) and Fire Bombs (ORS 480.070). A youth who alters or configures fireworks to create a bomb or destructive device will be prosecuted under the destructive device statute.

Potential consequences of misusing or altering fireworks

Students are usually unaware of the potential consequences (injuries, fires, legal) of misusing or altering fireworks. They also do not understand the legal or financial obligations they or their parents might incur. Lifelong consequences for their actions could include burn scars to themselves or others, financial hardships on their parents, or a juvenile record.

Youths are known to use illegal fireworks (i.e. setting off a bottle rocket that starts a field fire), to misuse legal fireworks (i.e. placing a firework inside a can), or to alter a legal firework (i.e. wrapping tape around a tube-type firework to enhance its power) thereby making it an illegal firework.

B TEACHER NOTES

HOME ARSON FIRE SCENARIO

- Pete was dared by his friends to set some shrubs on fire. He really wanted these guys to be his friends so he did it.
- Unfortunately, the burning shrub caught the Larsons' house on fire.
- The Larson's home was destroyed and their daughter, Lisa, was injured in the fire.
- Lisa was rescued by the firefighters. She survived but her burns needed special care so she was life-flighted to the burn unit.
- Lisa and Pete go to (name of the school where this unit is being taught).

Summary questions (to be asked at the conclusion of the mind-mapping)

At what point could all of this have been prevented?

Did Pete mean to burn the Larson's house down?

Did Pete mean to put Lisa in the hospital?

If they were Pete, how would they feel?

If they were the Larsons, how would they feel?

Who will pay?

If any of them were in Pete's place, could they pay for the damage they did?

What will Pete be charged with? (Arson 1)

NOTE: There is no "right" order to placing the cards on the board, except that the mind-mapping activity should begin with the **DECISION** card because that's where the chain of events begins—with Pete making a bad decision. Try to elicit thinking about the "what" and "what-if" from students before placing cards on the board. For example, before placing the **DECISION** card, ask students what decision Pete made, whether it was a good or poor choice and to support their answers with reasons. Ask who was affected by Pete's decision, what will likely happen, and what the consequences might be. You may choose to read the scenario in increments, generating discussion and placing cards as you progress, rather than reading it from start to finish at the beginning. Feel free to embellish the scenario and the consequences.

Some questions that could be raised about Pete's decision:

Does Pete know enough about what the consequences of this decision could be?

Has he considered the potential consequences?

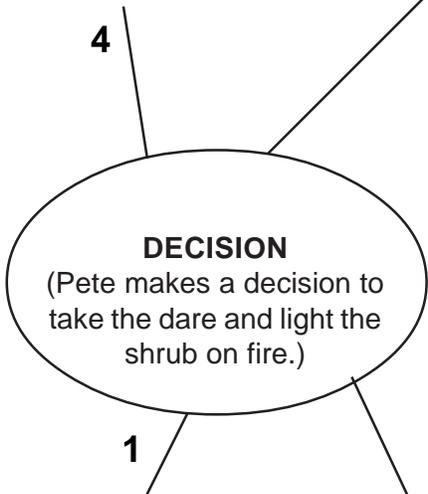
Is this decision wrong or dangerous?

Could someone get hurt – physically or emotionally?

When you are faced with a tough decision, what helps you to decide on a course of action?

When you accept a dare, who is most likely to be hurt?

Summary questions
(see page 8)



Ask...

1
 Could the fire become large?
 (Yes. Fire doubles in size
 every 30 seconds.)
 Will someone see the fire?

When someone sees the fire,
 who will they call? (911)

Who will the 911 center dispatch
 to the building? (Fire and police
 departments)

What agency might be called to
 help the Larsons?

Who is affected? ... Consequences?

PETE

Pete will be cited for Arson 1 and sent to the juvenile department. He will have a record and he may have to pay restitution. Pete's parents will have the worry and cost of what Pete did.

PETE'S PARENTS

LISA

Lisa will spend a long painful time in the burn unit. She will be scarred for life. She will miss school. Her parents will worry about Lisa's health and school work and will have to pay large medical bills.

LISA'S PARENTS

LISA'S PARENTS

THE SCHOOL

How will the students feel about what happened? Will it be tense at school for a while? Is everyone going to feel sorry for Pete? Will some people be angry with him?

2 What will happen? Who will respond?

911

FIRE DEPARTMENT

Where will the fire department take Lisa? (to the hospital by ambulance)

FIREFIGHTERS

POLICE DEPARTMENT

POLICE OFFICER

What will the police officer charge Pete with? (Arson 1)

AMBULANCE

HOSPITAL

JUVENILE DEPARTMENT

RED CROSS

LIFE FLIGHT

Lisa's burns were severe enough to require being life-flighted to the burn unit.

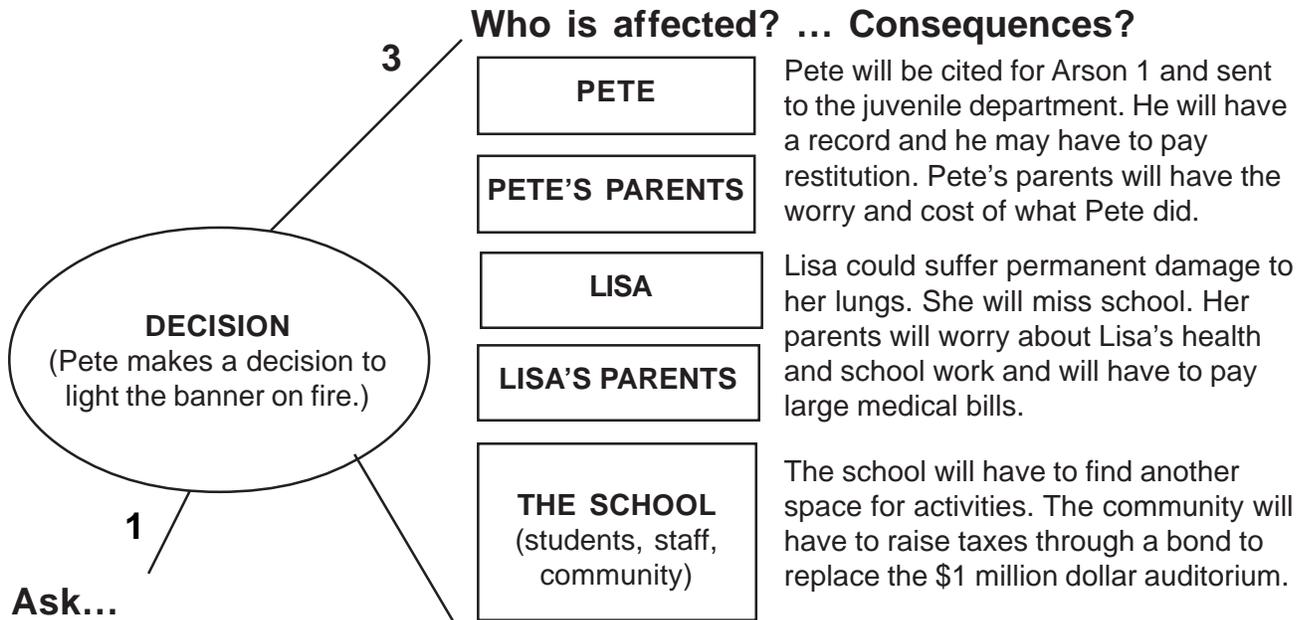


TEACHER NOTES

SCHOOL FIRE SCENARIO

- It was time for back-to-school night. The students made a welcoming banner for the parents to be displayed on the stage. Josh, Pete and Sarah helped their teacher hang the long paper banner across the stage, attaching it to the curtains.
- During lunch hour, bullies started making fun of Pete, calling him names. He was mad and didn't want to go back to class and have to deal with the bullies the rest of the afternoon. He was trying to think how he could get out of school when he walked through the auditorium and saw the banner. Pete had brought a lighter to school. He pulled it out of his pocket, thinking, "If I set the banner on fire, we will have to evacuate the school. There are lots of teachers around here so I know someone will put out the fire. I will just take off and go home."
- Pete lit the paper banner on fire. The fire spread rapidly across the banner because the window was open and the wind fanned the flames. Suddenly, the entire banner was in flames and the stage curtains caught on fire. Black smoke began to roll across the ceiling of the auditorium. All this happened in less than a minute. Pete ran out of the auditorium and back to his class.
- Mr. Jones, a sixth grade teacher, saw the fire. During the evacuation, Lisa, a student with asthma, was overcome with smoke that was billowing down the hall.
- Although the fire department responded quickly, the fire destroyed the entire auditorium. The fire caused \$1 million dollars of property loss.

NOTE: There is no "right" order to placing the cards on the board, except that the mind-mapping activity should begin with the **DECISION** card because that's where the chain of events begins—with Pete making a bad decision. Try to elicit thinking about the "what" and "what-if" from students before placing cards on the board. For example, before placing the **DECISION** card, ask students what decision Pete made, whether it was a good or poor choice and to support their answers with reasons. Ask who was affected by Pete's decision, what will likely happen, and what the consequences might be. You may choose to read the scenario in increments, generating discussion and placing cards as you progress, rather than reading it from start to finish at the beginning. Feel free to embellish the scenario and the consequences.



Ask...

Could the fire spread quickly?
(Yes. Fire doubles in size every 30 seconds. In addition, paper is very combustible and the heat from the large banner could ignite anything close to it such as curtains.)

When Mr. Jones sees the fire, what should he do? (Pull the fire alarm, call 911, evacuate the building.)

Who will the 911 center dispatch to the building? (Fire and police departments)

What will happen? Who will respond?

911

FIRE DEPARTMENT

FIREFIGHTERS

POLICE DEPARTMENT

POLICE OFFICER

AMBULANCE

HOSPITAL

JUVENILE DEPARTMENT

What will the fire department do after the fire is out? (Investigate the cause and origin of the fire.)

What will the police officer charge Pete with? (Arson 1)

B TEACHER NOTES

CAMPFIRE SCENARIO

- Pete and Lisa are participating in a day-long camping trip sponsored by their school as a class outing. The group has gone to the park just outside the city. It is summer and there has been little rain, so the forest duff and surrounding vegetation are bone dry. The danger of forest fires is high.
- The class has brought hot dogs and marshmallows to cook over a campfire. There aren't enough prepared sites for campfires in the park and Pete and Lisa are "starving" so they decide to build their own spot for a campfire. They choose a location at the edge of the clearing.
- Tree branches overhang the spot and Pete and Lisa pile wood directly on the dry forest duff. They are unable to find stones to create a ring for their fire, so they decide nothing bad will happen "just this once."
- After lunch, they watch the fire die down. It looks as if it's no longer hot so, without pouring water on it or stirring the ashes, they get on the bus for the return to school.
- Unfortunately, there were still hot embers. The fire re-ignites. A wind fans the fire and it spreads to the surrounding forest. A housing development near the forest is set on fire. Three homes survive the blaze because their owners followed safety precautions for homes located in a wildland-urban interface area. The remaining fifty homes were destroyed.

Before beginning the scenario, examples of safe and unsafe campfire sites should be shown. These can either be photos or actual set-ups if this lesson is taught outside. A SAFE campfire site features a space for the fire cleared down to mineral soil; rocks around the perimeter; an overhead space that is clear of obstructions such as trees, bushes and branches; and a bucket of water and shovel available for extinguishment. An UNSAFE campfire site is built on top of grass and forest duff (decayed organic matter on the forest floor); has branches hanging over the perimeter rocks, or is placed under branches; and has no bucket of water or shovel for extinguishment.

Explain or demonstrate the proper way to extinguish a fire: pour water on the ashes to cool them. Then, use the shovel to stir the ashes and shovel dirt onto the ashes. Finally, test to make sure that the campfire is cold.

Special instructions This scenario is the mind-mapping activity with a twist. Instead of using activity cards, paper sheets are prepared by the teacher prior to class and students come forward to hold them until the activity is complete.

Write each of the items (persons, agencies, consequences) listed below on separate papers.

- 1) decision
- 2) 911 center
- 3) fire department
- 4) Department of Forestry
- 5) EMS
- 6) police
- 7) juvenile department
- 8) family
- 9) friends
- 10) school
- 11) counselor
- 12) parents missing work
- 13) restitution
- 14) cost of suppression
- 15) criminal record
- 16) cost to the community
- 17) cost to the homeowners

Mind-mapping activity. Work your way through the campfire scenario using the same method that has been spelled out in the other mind-mapping exercises. However, as each of the persons, agencies or consequences comes into the scenario, hand the corresponding paper sheet to one of the students and ask them to come forward and hold the sheet.

Concluding teacher-led discussion. Students are old enough now to be held accountable for the choices they make. If a campfire gets out of control and starts a forest fire, many people are involved as a result. It makes no difference whether a person intended to have a fire get out of control or not; he or she will still be held responsible for the damage that occurs.



HOW THE JUVENILE SYSTEM WORKS

A FIRE INVOLVING A JUVENILE

- Fire and police respond to investigate.
- Police and fire reports are sent to the juvenile department.
- A letter is sent to parents directing them to come to a meeting at the juvenile department. (This may vary if the juvenile has a prior record or, if the nature of the offense is extreme, there may be immediate incarceration.)

THREE WAYS TO PROCEED

First offense and it was minor. If the juvenile counselor decides the parents have dealt adequately with the problem, the process may stop there.

Formal Accountability Agreement. This is a legal contract between the juvenile department, the juvenile and the parents. The three parties will look over the form and discuss the options shown on the document. There is no court hearing if the contract is followed.

Formal Court Process. If the juvenile does not follow the contract or has a record and/or the offense was serious:

- A report is sent to the district attorney's office.

- The district attorney files a petition for court.
- A hearing is set.
- If found guilty—court will set time for disposition.
- Court listens to presentations and makes a disposition order. Note: This is where the judge can sentence the offender to serve time in a juvenile facility.
Also note: The consequences are more severe by the time this step has been reached.

DISCUSSION NOTES

Misuse of 911

- Do the police and fire departments know this is not a real emergency?
- They will respond with heavy equipment through traffic at a high rate of speed—this is dangerous to both the responders and the public.
- This takes the equipment out of service for real emergencies.
- How would you like it if someone called in a prank and you needed the emergency service but it was delayed?



Reckless Burning (misdemeanor)

- Ask the students if the fire was intentional.
- Did they mean to do damage? (NO) But because of their actions someone's property was damaged.
- Even if it is unintentional you can be cited with a crime.
- How many of you know it is not safe to play with fire?
- How many of you know fire can damage someone's belongings?
- How many of you know fire can kill?

Arson in the first degree (felony)

- Was the fire intentional (Yes)
- Did the fire affect a protected property?
(Property that usually has people in it) (Yes)
- Did the fire hurt a police officer or firefighter?
(Yes) You could be charged with arson in the first degree. This is a class A felony—the highest level of offense you can be charged with. If you intentionally start a fire or you cause a fire in a protected property or your fire hurts a police officer or firefighter you could be charged with this.

Note : MEASURE 11—a youth who is 15 and over and is charged and convicted of this offense will receive mandatory time in a juvenile facility. It could be as much as seven years.

Manslaughter (felony)

- The fire was unintentional, but the decision the boys made cost someone their life.
- Is the family of the person who died going to say, "It's OK. You didn't mean do it so you shouldn't get in trouble?" (No)





Pete



Lisa



Larson home



Life Flight



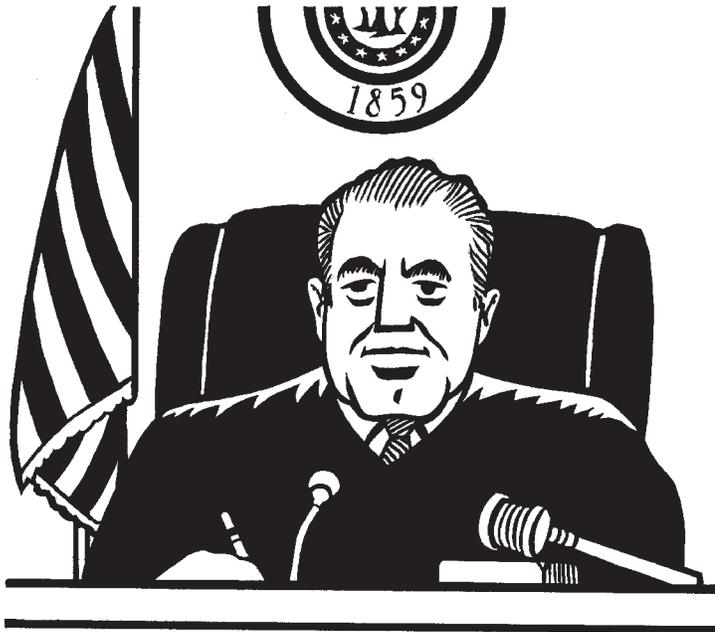
Pete's parents



Larson family



Ambulance



Juvenile justice



Police Officer



Police Dept.

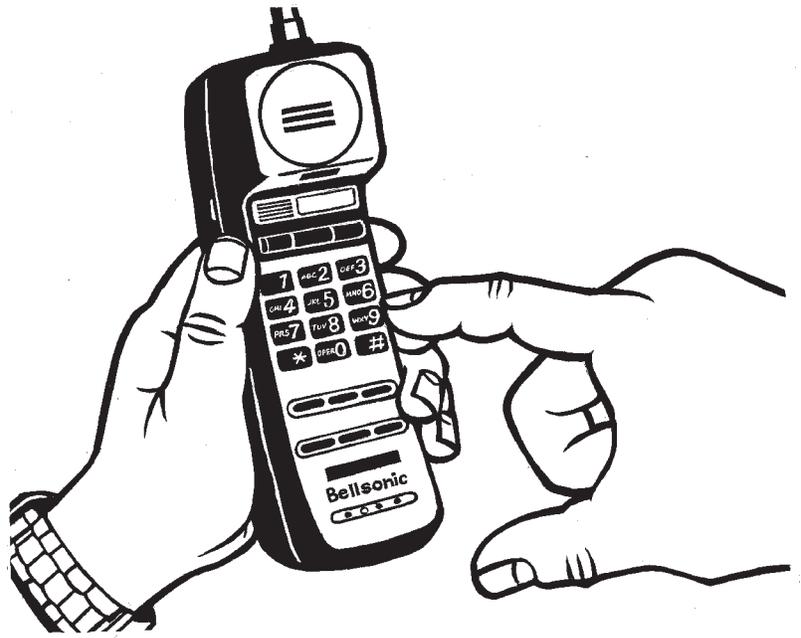




Hospital



School



911



Accused



Police



Judge



A

Situation

Rod is with his friends and they decide to call 9-1-1 to report a prank house fire.



A

165.570 Improper use of an emergency reporting system.

Class A Misdemeanor. Calls to 9-1-1 emergency reporting system for a purpose other than to report an emergency; or allows another person to use telephone equipment owned or under their control to make a 9-1-1 call for any other purpose other than to report an emergency situation.



A

165.570 Improper use of an emergency reporting system.

Consequences

Juvenile:

Rod has to write a 400-word essay to the judge on why 9-1-1 is so important. He also has to pay the court \$50.

Adults:

Maximum fine: \$6,250

Maximum jail time: 1 year

**B**

Situation

Mike and Randy have set up a fort in the barn behind the neighbor's house. The weather is starting to get cooler, so one afternoon Mike suggests they start a fire to keep warm. Before they know it the fire gets bigger and the barn burns down.

**B**

164.335 Reckless Burning

Class A Misdemeanor. Person recklessly damages another person's property by fire or explosion.

**B**

164.335 Reckless burning

Consequences

Juvenile:

Mike has to meet with V.O.R.P. (Victim Offender Reconciliation Program) and agrees to help the owner rebuild the barn. Mike also has to complete an education program through the fire department and is placed on probation until the age of eighteen.

Adults:

Maximum fine: \$6,250

Maximum jail time: 1 year



C

Situation

Sam is very angry at Alex. After school, he lights the small storage shed behind Alex's house on fire. Sam doesn't want to hurt anyone, he just wants Alex to know he's really mad.



C

164.315 Arson in the second degree

Class C Felony. Person intentionally damages by fire or explosion any building of another that is not protected property (unprotected property is not occupied) and the damage to the property exceeds \$750.



C

164.315 Arson in the second degree

Consequences

Juvenile:

Sam spends one night in juvenile detention. He has to pull weeds at the court house for a total of 24 hours. He has to write a 500-word essay to the judge on why fire setting is dangerous. His parents have to buy Alex's parents a new shed. Sam is placed on probation for two years.

Adults:

Maximum fine: \$125,000

Maximum jail time: 5 years



Situation

One day Les and his buddies decided to go to an abandoned house to smoke cigarettes. Les flicked one of his cigarettes onto an old mattress, which later caught on fire. The fire department responded and one of the firefighters was seriously injured while fighting the fire.



164.325

Arson in the first degree

Class A Felony. Person intentionally damages by fire or explosion:

- (a) protected property of another; or
- (b) any property where a person is in danger of physical injury; or
- (c) any property, where the person recklessly causes serious physical injury to a firefighter or a peace officer acting in the line of duty.



164.325

Arson in the first degree

Consequences

Juvenile:

Les is lodged in juvenile detention for eight days, is required to attend weekly counseling for one year, has to clean outside the fire department for a total of 100 hours and is placed on probation for five years. His parents have to pay the firefighter's hospital bills of \$12,450.

Note: If out-of-home placement is required, only commitment to the Oregon Youth Authority is possible. If you are fifteen years or older you will be sentenced under Measure 11 to seven years six months.

Adults:

Maximum fine: \$375,000

Maximum jail time: 20 years



E

Situation

On Halloween the Franklin twins take several bags of trash to Mr. Moyer's house and dump it in the driveway. They light the trash on fire and leave. The trash is wet and doesn't burn. The next morning Mr. Moyer has to clean up the mess and is late for work.



E

163.345 Criminal mischief in the third degree.

Class C Felony. Person intentionally tampers with the property of another and causes an inconvenience to that person.



E

164.365 Criminal mischief in the third degree

Consequences

Juvenile:

The Franklin twins have to pay Mr. Moyer \$40 for making him late for work. They also have to complete a fire safety program and are placed on probation for one year.

Adults:

Maximum fine: \$1,250

Maximum jail time: 30 days

**F**

Situation

Dan lights a fire in a dumpster. The dumpster is heavily damaged and has to be replaced. The cost to replace the dumpster is \$150.

**F**

164.354

Criminal mischief in the second degree

Class A Misdemeanor. Person intentionally or recklessly damages the property of another in an amount exceeding \$100.

**F**

164.354

Criminal mischief in the second degree

Consequences

Juvenile:

Dan has to pay \$150 to replace the dumpster. He also has to complete the education program through the fire department. Dan is placed on probation for one year.

Adults:

Maximum fine: \$6,250

Maximum jail time: 1 year



G

Situation

Eric comes forward and tells the police that Jason was involved in the fire last week that destroyed a Port-a-Potty. The damage to the Port-a-Potty was valued at \$800.



G

164.365

Criminal mischief in the first degree

Class C Felony. Person intentionally damages the property of another:

- (a) in an amount exceeding \$750;
- (b) by means of explosive; or
- (c) by starting a fire in an institution to which the person is committed; or
- (d) which is a public utility.



G

164.365

Criminal mischief in the first degree

Consequences

Juvenile:

Jason's parents have to pay \$800 to replace the Port-a-Potty. Jason has to complete a fire safety program with his parents. He is on probation until he is 18 and he has to pick up garbage on the highway for a total of 60 hours.

Adults:

Maximum fine: \$125,000

Maximum jail time: 5 years



H

Situation

Joe has been repeatedly asked to quit loitering in front of the Happy Ends restaurant. The annoyed owner contacts the police. Joe becomes angry, enters the men's restroom and lights the trash on fire. The restaurant is full at the time. In the panic a customer is trampled and dies.



H

163.145

Criminally negligent homicide

Class B Felony. Person causes death of another person by doing something that was not safe.

(Additional charges - Arson 1 - Class A felony)



H

163.145

Criminally negligent homicide

Consequences

Juvenile:

Joe is placed in the custody of the Oregon Youth Authority and is lodged at a state training school until he is 20 years old. He is on probation until he is 25 years old and has to go to counseling for 2 years.

Adults:

Maximum fine: \$250,000

Maximum jail time: 10 years



Situation

Rod and Joe are walking home one night. Rod dares Joe to light the dumpster beside Dr. Reed's office on fire. Joe lights a small fire in the dumpster and puts it out. Later, the fire takes off, catching the building on fire. Dr. Reed is working late in the building. The building is a total loss and Dr. Reed's body is found the following day.



163.125

Manslaughter in the second degree

Class B Felony. Person recklessly causes the death of another person.



163.125

Manslaughter in the second degree

Consequences

Juvenile:

Joe is placed in a youth correctional facility for two years. He has to pay \$500 in fines. He is on probation until he is 25 years old and he has to attend counseling for three years. Note: If you are fifteen years or older you will be sentenced under Measure 11 to six years three months.

Adults:

Maximum fine: \$250,000

Maximum jail time: 10 years

Juveniles and Fireworks Laws & Consequences

These laws are taken from the 1997 Oregon Revised Statutes. They are a direct quote from the statutes and are the laws which govern fireworks possession, use, and sale in Oregon. The laws in states other than Oregon may vary so for those outside of Oregon who are using this curriculum, please refer to your own state statutes for detailed information on offenses.

161.015 (9) “Possess” means to have physical possession or otherwise to exercise dominion or control over property.

480.110 Definitions for Oregon Fireworks Law. For the purposes of ORS 480.110 to 480.165, which sections may be cited as the Oregon Fireworks Law, and unless otherwise required by the context:

- (1) ***“Fireworks” means any combustible or explosive composition or substance, or any combination of such compositions or substances, or any other article which was prepared for the purpose of providing a visible or audible effect by combustion, explosion, deflagration or detonation, and includes blank cartridges or toy cannons in which explosives are used, balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, bombs, rockets, wheels, colored fires, fountains, mines, serpents or any other article of like construction or any article containing any explosive or inflammable compound, or any tablets or other device containing any explosive substances or inflammable compound; but does not include:***

Note to Reader: Items listed in (a) and (b) are unclassified fireworks and as such are not subject to Oregon’s permit requirements. Items listed in (c) are not fireworks. Those items listed in (d) are the items that are considered legal for individual members of the general public to purchase for personal use. Those items listed in (d) may be purchased by those individuals 16 years of age or older.

- (a) Sparklers, toy pistol paper caps, toy pistols, toy canes, toy guns or other devices in which paper caps containing .25 grains or less of explosive compound are used, and when the rate of burning and the explosive force of the materials in such devices are not greater than an equivalent weight of F.F.F.G. black powder, and when such devices are so constructed that the hand cannot come in contact with the cap when in place for explosion, and the major explosive force is contained or dispelled within the housing or shell of the device, there is no visible flame during discharge, there is no flaming or smoldering of any of the components or parts of the device after discharge, and the device does not produce sufficient heat to readily ignite combustible materials upon which the device may be placed. The sale and use of such devices shall be permitted at all times.
- (b) Snakes or similar smoke-producing material containing not more than 100 grains of combustible substances when there is no visible flame during discharge, there is no after smoldering, and the devices do not produce sufficient heat to readily ignite combustible materials upon which the devices may be placed. The sale and use of such devices shall be permitted at all times.
- (c) Model rockets and model rocket motors designed for the purpose of propelling recoverable aero models. The sale and use of such devices shall be permitted at all times.
- (d) Those items described in **ORS 480.127 (4)**

***ORS 480.127(4)**

As used in this section: (the following are firework items legal for sale with a retail sales permit). (see fireworks photo identification page) . *Those items listed in (d) may be purchased by those individuals 16 years of age or older.*

(a) “Combination item” means a device that contains combinations of two or more of the effects described in paragraphs (b) to (g) of this subsection.

(b) “Cone fountain” means a cardboard or heavy paper cone containing not more than 50 grams of pyrotechnic composition. The effect upon ignition is the same as that of a cylindrical fountain.

(c) “Cylindrical fountain” means a cylindrical tube not more than three-fourths inch (19mm) inside diameter and containing not more than 75 grams of pyrotechnic composition. Upon ignition, a shower of colored sparks and sometimes a whistling effect is produced. This device may be provided with a spike for insertion into the ground, a wood or plastic base for placing on the ground or a wood or cardboard handle if intended to be handheld.

(d) “Flitter sparkler” means a narrow paper tube containing not more than 100 grams of pyrotechnic composition that produces colored sparks upon ignition. The paper at one end of the tube is ignited to make the device function.

(e) “Ground spinner” means a small device similar to a wheel in design and effect and containing not more than 60 grams of pyrotechnic composition. When placed on the ground and ignited, a shower of colored sparks is produced by the rapidly spinning device.

(f) “Illuminating torch” means a cylindrical tube containing not more than 100 grams of pyrotechnic composition. This device may be provided with a spike for insertion into the ground, a wood or plastic base for placing on the ground or a wood or cardboard handle if intended to be handheld.

(g) “Wheel” means a pyrotechnic device attached to a post or tree by means of a nail or string. Each wheel may contain not more than six driver units or tubes not exceeding one-half inch (12.5mm) inside diameter and containing not more than 60 grams of pyrotechnic composition. Upon ignition, the wheel revolves and produces a shower of colored sparks, and sometimes a whistling effect.

Oregon Law allows for the issuance of civil penalties for violations for the fireworks laws and administrative rules. The following is a quote from the statute for civil penalties. Following the statutory reference is information regarding civil penalty assessments. Please refer to Oregon Administrative Rules 837-12-1000 through 837-12-1160 for detailed information. A copy may be obtained by contacting the Office of State Fire Marshal, License and Permit Services Unit, 503-373-1871, ext. 273.

480.165 Civil penalty for fireworks law violations.

In addition to any other penalty provided by law, any person who violates any provision of ORS 480.110 to 480.165, or any rule adopted by the State Fire Marshal pursuant thereto, is subject to a civil penalty imposed by the State Fire Marshal in an amount not to exceed \$500 per violation. However, an individual member of the general public who possesses fireworks of a retail value less than \$50 is not subject to a civil penalty. Each day a violation continues shall be considered a separate offense.

Oregon Administrative Rules for Civil penalty for fireworks law violations.

Violation Types, Instances, and Penalty Assessments

837-12-1050 (1) Penalties shall be assessed according to violation type and instance in **Table 2** and OAR 837-12-1130 through 837-12-1160, except as provided in OAR 837-12-1100.

- (2) The types of violations are:
 - (a) Least - Type I;
 - (b) Minimal - Type II;
 - (c) Moderate - Type III;
 - (d) Severe - Type IV.
- (3) The violation instance is determined based on the number of times a person has committed a violation.

TABLE 2 - Penalties*

VIOLATION TYPE	VIOLATION INSTANCE		
	1	2	3
I. Least	Warning	\$25	\$75
II. Minimal	\$25	\$75	\$150
III. Moderate	\$75	\$150	\$250
IV. Severe	\$125	\$250	\$500

***Table 2** is a *guideline* for penalty assessments. Also refer to OAR 837-12-1130 through 837-12-1160.

Type I Violations

837-12-1130 (1) Type I violations are subject to penalties ranging from \$0 to \$75 a day depending upon instance and in accordance with OAR 837-12-1050(3).

- (2) Examples of Type I violations include but are not limited to:
 - (a) Failure to post “No Smoking” signs at the retail fireworks sales stand;
 - (b) Failure to provide required fire extinguishing equipment at the retail fireworks sales stand;
 - (c) Failure to maintain a clean, orderly area within 20 feet of the retail sales area;
 - (d) Failure to keep a copy of the retail sales permit at the retail sales stand while the stand is open;
 - (e) Possession of illegal fireworks worth less than \$50.

Type II Violations

837-12-1140 (1) Type II violations are subject to penalties ranging from a warning to \$150 a day depending upon instance and in accordance with OAR 837-12-1050(3).

- (2) Examples of Type II violations include but are not limited to:
 - (a) Failure to have a person 18 years of age or over inside the retail sales stand during business hours;
 - (b) Omission of the required wholesale permit number, address and name of the wholesaler on any fireworks shipped within or into the State of Oregon;
 - (c) Omission of the name of the retail sales permit holder and retail sales permit number on fireworks cartons, containers, cases, and associated paperwork purchased by the permit holder and shipped within or into the State of Oregon;
 - (d) Possession of more than \$50 but less than \$100 worth of illegal fireworks;
 - (e) Discharge of less than \$50 worth of illegal fireworks;
 - (f) Smoking or the ignition of fireworks within 50 feet of any fireworks stand.

Type III Violations

837-12-1150 (1) Type III violations are subject to penalties ranging from \$75 to \$250 a day depending upon instance and in accordance with OAR 837-12-1050(3).

(2) Examples of Type III violations include but are not limited to:

- (a) Possession of \$100 or more of illegal Class C (1.4 g) fireworks;
- (b) Sale of any amount of Class C (1.4 g) fireworks without the necessary permits issued by the Office of State Fire Marshal and/or, where required, the local authority having jurisdiction;
- (c) Sales of allowed fireworks to children less than 16 years of age;
- (d) The purchase of fireworks by an Oregon retail permit holder from an unlicensed wholesaler;
- (e) Purchase of any amount of Class C (1.4 g) fireworks without the necessary permits issued by the Office of State Fire Marshal or, where required, the local authority having jurisdiction;
- (f) Manufacturing or altering any fireworks;
- (g) Storage of any amount of Class B (1.3 g) fireworks without the necessary permits issued by the Office of State Fire Marshal and/or, where required, the local authority having jurisdiction;
- (h) Use of fireworks in a manner that presents a danger to life or property.

Type IV Violations

837-12-1160 (1) Type IV violations are subject to penalties ranging from \$125 to \$500 a day depending upon instance and in accordance with OAR 837-12-1050(3).

(2) Examples of Type IV violations include but are not limited to:

- (a) Possession of \$50 or more of Class B (1.3 g) fireworks without the necessary permits issued by the Office of State Fire Marshal and/or, where required, the local authority having jurisdiction;
- (b) Conducting a public fireworks display without the necessary permits and/or pyrotechnician certification issued by the Office of State Fire Marshal and/or, where required, the local authority having jurisdiction;
- (c) Purchase of any amount of Class B (1.3 g) fireworks without the necessary permits issued by the Office of State Fire Marshal and/or, where required, the local authority having jurisdiction;
- (d) Conducting the sale of any amount of Class B (1.3 g) fireworks without the necessary permits issued by the Office of State Fire Marshal and/or, where required, the local authority having jurisdiction;
- (e) Conducting a public display using illegal or unauthorized fireworks;
- (f) Intentional or indiscriminate use of fireworks which injure someone or cause more than \$250 in property damage;
- (g) Wholesale sales of fireworks without an Oregon wholesale permit;
- (h) Storage of fireworks by a wholesaler in an unapproved location.

NOTE: Once a firework is altered it becomes a Destructive Device. Refer to Laws and Consequences for Destructive Devices. Once a destructive device charge is determined, the case may require referral.

LEGAL FIREWORKS RETAIL (1.4G)

Any fireworks that produce smoke, sparks or fire and that do not explode, eject balls of fire, fly into the air or travel more than twelve feet on smooth ground.

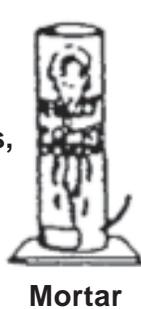


UNCLASSIFIED ITEMS (NOT FIREWORKS)



ILLEGAL FIREWORKS LIMITED (1.4G)

Any firework that explodes, flies into the air, or behaves in an uncontrolled and unpredictable manner.



EXPLOSIVE DEVICES - NOT FIREWORKS





OREGON STATE STATUTES RELATED TO FIRE OFFENSES

165.570 **Improper Use of an Emergency Reporting System**

(1) A person commits the crime of Improper Use of an Emergency Reporting System when they call the 911 emergency reporting system for a purpose other than to report an emergency situation.

(2) Allows another person to use telephone equipment owned or under their control to make a 911 call for any other purpose other than to report an emergency situation.

- Improper Use of an Emergency Reporting System is a Class A Misdemeanor.

Definition: Person intentionally causes a problem where others are affected by initiating a false report to the 911 emergency system.

164.335 **Reckless Burning**

(1) A person commits the crime of Reckless Burning if the person recklessly damages property of another by fire or explosion.

- Reckless Burning is a Class A Misdemeanor.

Definition: Person doesn't have to mean to do it. Person starts a fire or causes an explosion and it gets out of control. Property doesn't belong to them.

164.315 **Arson in the Second Degree**

(1) A person commits the crime of Arson in the Second Degree if, by starting a fire or causing an explosion, the person intentionally damages any building of another that is not protected property, or (b) any property of another and the damages to the property exceed \$750.

- Arson in the Second Degree is a Class C Felony.

Definition: The person has started the fire on purpose. The building was not protected property. Uses fire and/or explosion. Property belonged to another.

164.325 **Arson in the First Degree**

(1) A person commits the crime of Arson in the First Degree if, by starting a fire or causing an explosion, the person intentionally damages:

(a) Protected property of another;

(b) Any property, whether the property of the person or the property of another person, and such act recklessly places another person in danger of physical injury or protected property of another in danger of damage; or

(c) Any property, whether the property of the person or the property of another person, and recklessly causes serious physical injury to a fire fighter or peace officer acting in the line of duty relating to the fire.

- Arson in the First Degree is a Class A Felony.

164.345 **Criminal Mischief in the Third Degree**

(1) A person commits the crime of Criminal Mischief in the Third Degree if, with intent to cause substantial inconvenience to the owner or to another person, and having no right to do so nor reasonable ground to believe that the person has such right, the person tampers or interferes with property of another.

- Criminal Mischief in the Third Degree is a Class C Misdemeanor.

Definition: Property has no value or very little. Someone has to clean up the mess that is left. Causes them inconvenience.

164.354 **Criminal Mischief in the Second Degree**

(1) A person commits the crime of Criminal Mischief in the Second Degree if:

(a) The person violates ORS 164.345 and as a result thereof, damages property in an amount exceeding \$100; or

(b) Having no right to do so nor reasonable ground to believe that the person has such right, the person intentionally damages property of another, or, the person recklessly damages property of another in an amount exceeding \$100.

- Criminal Mischief in the Second Degree is a Class A Misdemeanor.

Definition: Value of the property exceeds \$100, or the person intentionally or recklessly damages property of another.

164.365 **Criminal Mischief in the First Degree**

(1) A person commits the crime of Criminal Mischief in the First Degree who, with intent to damage property, and having no right to do so nor reasonable ground to believe that the person has such right:

(a) Damages or destroys property of another;

(i) In an amount exceeding \$750;

(ii) By means of an explosive;

(iii) by starting a fire in an institution while the person is committed to and confined in the institution;

- Criminal Mischief in the First Degree is a Class C Felony.

Definition: Property is not yours. Value of the property is \$500 or more. Fire or explosion. Institution - MacLaren, JDH. Albany General Hospital.

163.195 **Recklessly Endangering Another Person**

(1) A person commits the crime of Recklessly Endangering Another Person if the person recklessly engages in conduct which creates a substantial risk of serious physical injury to another person.

- Recklessly Endangering Another Person is a Class A Misdemeanor.

Definition: Endangering another person - doesn't necessarily have to hurt anyone - just endanger.

163.145 **Criminally Negligent Homicide**

(1) A person commits the crime of Criminally Negligent Homicide when with criminal negligence, the person causes the death of another person.

- Criminally Negligent Homicide is a Class B Felony.

Definition: Negligent death. A reasonable person would know that what the person did would create a risk or circumstance that the outcome would be death.

163.125 **Manslaughter in the Second Degree**

(1) Criminal homicide constitutes Manslaughter in the Second Degree when:

(a) It is committed recklessly.

- Manslaughter in the Second Degree is a Class B Felony.

Definition: The person disregards the risk and causes someone to die.